



DEFENSE FINANCE AND ACCOUNTING SERVICE
ARLINGTON

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DFAS-DFM


APR 9 2004

MEMORANDUM FOR DIRECTOR, MILITARY PAY OPERATIONS, DEFENSE
FINANCE AND ACCOUNTING SERVICE (DFAS-PM/CL)

SUBJECT: Interim Change to the Department of Defense Financial Management Regulation (DoDFMR), Volume 7A, Regarding Basic Allowance for Housing (DFAS Item M-57)

The attached is Interim Change **16-04** to the DoDFMR, Volume 7A. Major changes are highlighted in blue font. The effective dates are noted in the chapter.

We have evaluated your comments on the proposed change and included your comments where appropriate. Assignment of the interim change number is your authority to initiate procedural modifications to implement this change. Use the attached to initiate the formal change to the DoDFMR, Volume 7A.


Jerry S. Hinton
Director for Finance

Attachments:

As stated:

cc: OUSD(C)(ODCFO)(FP)
DUSD(MPP)(Comp)
ODGC(F)
Service Liaisons
USCG/NOAA/PHS Liaisons
DFAS-GAM/DE
DFAS-PMJE/DE
DFAS-DDM/CL

BAH Entitlements, Members Without Dependents, Entitled to Basic Pay

Tables 26-3 and 26-10 are revised to provide for payment of BAH to members regardless of rank and years of service between permanent duty stations.

1. Revise title to subparagraph 260107. B as follows:

B. BAH Rate Protection and Low/No Cost Move and Short Term PCS 12 Months or Less.

2. Revise subparagraph 260107. B by adding subparagraph 4 as follows:

4. Short Term PCS Assignment 12 Months or Less for Professional Military Training or Education. Effective June 26, 2003, where a member receives a PCS assignment of 12-months duration or less, for purposes of participating in professional military education or training classes, the circumstances of this assignment are unusual, including: (1) known in advance that the duration of this assignment, within CONUS, will be for a short term of 12 months or less; (2) member may return to previous duty location upon completion of education or training; (3) assignment may not coincide with the academic school year, which may work a particular hardship on military families with school-aged children. Under these circumstances, it may be necessary for some members to leave their dependents in place rather than relocate them for the short duration of the assignment. If the Secretary concerned determines that the circumstances of the short-term assignment are unusual, the Secretary may pay BAH based on the dependents' location or the last duty station, whichever the Secretary determines to be most equitable.

3. Add paragraph 260201.C.3 to read:

3. Member married to member in grades E-5 and below and both are assigned to sea duty. On or after October 1, 2003, two members of the Uniformed Services in a pay grade E-5 and below who are married to each other, have no other dependents, and are simultaneously assigned to sea duty are each entitled to BAH at the without dependent rate applicable for their appropriate pay grades. In addition, Service regulations do not affect this entitlement.

4. Replace Table 26-3 with Tab A.

5. Replace Bibliography for Table 26-3 Rules and Notes.

<u>Paragraph</u>	<u>Citation</u>
Table 26-3	
Rule 1	37 U.S.C. 403
Rule 3	OASD(MRA&L)(MPP) Memo, April 12, 1978
Rules 5 and 6	37 U.S.C. 403(c)(1)
Rule 13	37 U.S.C. 403(f) MS Comp Gen B-164351, August 2, 1968 48 Comp Gen 41, 37 U.S.C.403(i) EO 11157, June 22, 1964, as amended 51 Comp Gen 673
Rule 14	45 Comp Gen 347
Rule 15	53 Comp Gen 740
Rule 18	37 U.S.C. 403(f) 32 Comp Gen 348
Rule 20	29 Comp Gen 67, 163 30 Comp Gen 246 32 Comp Gen 454
Rule 22	29 Comp Gen 67, 163 30 Comp Gen 246 32 Comp Gen 454
Rule 23	40 Comp Gen 169, 715 60 Comp Gen 74
Rule 24	48 Comp Gen 301, 490, 517 EO 11157, June 22, 1964, as amended OASD(FM&P) Memo, October 31, 1990 OASD(FM&P) Memo, February 25, 1991
Rule 25	EO 11157, June 22, 1964, as amended
Rule 26	Public Law 102-25, section 310A, April 6, 1991 Public Law 102-190, section 632, December 5, 1991

Note 1	EO 11157, Jun 22, 1964, as amended by EO 12762, June 4, 1991
Note 2	Section 405, EO 11157, June 22, 1964
Note 3	Part IV, EO 11157, June 22, 1964
Note 6	Public Law 104-201, section 604, September 23, 1996, 37 U.S.C. 403(c), as amended Public Law 107-314, section 605, November 24, 2003
Note 7	45 Comp Gen 143
Note 8	EO 11157, June 22, 1964, as amended by EO 12762, June 4, 1991
Note 11	48 Comp Gen 301, 490, 517 45 Comp Gen 143
★ Note 12	Public Law 107-107, section 605, December 28, 2001

6. Revise Table 26-10, NOTE to read NOTES, number present note as number 1 and insert new note 2.

2. BAH accrues to all members in the accession pipeline as set forth in table 26-3.

BAH ENTITLEMENTS, MEMBERS WITHOUT DEPENDENTS, ENTITLED TO BASIC PAY			
R U L E	A	B	C
	If member is	then BAH accrues	BAH does not accrue
1	assigned to a permanent station	if government quarters or housing facilities are not assigned (notes 1 and 2)	if member is assigned or occupies Government quarters suitable and adequate for the member's grade (notes 3 and 4).
2		while on short period of special alert duty during which the member is furnished sleeping accommodations at the permanent station where government quarters are not available for assignment.	
3		while on short training periods not to exceed 45 days during which, due to military necessity, the member is furnished sleeping accommodations at the permanent station where government quarters are not available for assignment.	
4	ordered to report for TDY in connection with the fitting out or conversion of a vessel and permanent duty aboard when the vessel is placed in commission	if per diem allowance is not authorized for the period of TDY (note 5)	if quarters are available or member is entitled to per diem allowance for the period of such duty.
5	on sea duty	if member is grade E-6 or above and elects on or after July 1, 1996 not to occupy available quarters (note 6)	if member is grade E-5 or below (note 6).
6	on field duty, PCS not involved (note 7)	if receiving BAH at permanent station	if assigned or occupying government quarters at permanent station.
7	assigned PCS to a unit on field duty	if the commander certifies member was required to procure quarters at own expense at the initial field duty site	for the initial field duty in progress at time of PCS, unless member is required to procure quarters at own expense at field duty site.
8	on excess leave		for any period of time.
9	on authorized leave, accrued, advanced, or in connection with release from active duty or discharge (PCS not involved)	if receiving BAH at permanent station or assigned quarters are terminated incident to separation (notes 1 and 8)	if assigned quarters at permanent station.
10	sick in hospital, or on sick leave from a hospital (PCS not involved)	if receiving BAH at permanent station, (notes 1 and 8)	if assigned quarters at permanent station.
11	being treated at hospital TDY en route PCS; or assigned PCS direct to hospital for treatment	if not assigned quarters.	if assigned quarters in the hospital.

Table 26-3. BAH Entitlements, Members Without Dependents, Entitled to Basic Pay

BAH ENTITLEMENTS, MEMBERS WITHOUT DEPENDENTS, ENTITLED TO BASIC PAY			
R U L E	A	B	C
	If member is	then BAH accrues	BAH does not accrue
12	on TDY (PCS not involved), or TAD, including such duty on transport or under permissive orders (notes 2, and 7)	if receiving BAH at permanent station.	if assigned quarters at permanent station.
13	in travel status on PCS , including travel under permissive orders, TDY en route, leave en route and proceed time; or is assigned PCS and is on authorized leave or duty at the old or new station	if member is not assigned government quarters, or for the first 30 days member temporarily occupies transient government quarters at any one location (notes 8, 9 and 10)	if member is assigned government quarters, or for any period in excess of 30 days member temporarily occupies government quarters at any one location. (note 12)
14	assigned PCS and is on authorized leave or duty at the old or new station	for not more than 30 days that member temporarily occupies government transient quarters incident to the PCS at either old or new station (notes 8 and 10)	for period of occupancy of government quarters not incident to a PCS.
★15	initially assigned to active duty and is performing temporary duty at other than indoctrination or basic training station pending receipt of orders designating a permanent duty station to which member will report upon completion of temporary duty	when government quarters are not available for assignment .	
★16	in the accession pipeline	between initial TDY and initial permanent duty station. (note 12)	
17	ordered home or to a place other than a military organization awaiting further orders in connection with Physical Evaluation Board proceedings	on and after day of departure from hospital or old station through day of discharge, or day prior to effective date of retirement	
18	training for, attending or participating in Pan Am or Olympic games, or other international amateur sports competition	if not furnished quarters by the government or by an agency sponsoring the member's participation	if furnished quarters by the government, or by an agency sponsoring participation.
19	a medical officer on active duty in an intern or resident physician status at a state, county, municipal, or private hospital	if not furnished quarters without charge by the hospital	if furnished quarters without charge by the hospital. Such quarters are considered furnished on behalf of the United States.

Table 26-3. BAH Entitlements, Members Without Dependents, Entitled to Basic Pay (Continued)

BAH ENTITLEMENTS, MEMBERS WITHOUT DEPENDENTS, ENTITLED TO BASIC PAY			
R U L E	A	B	C
	If member is	then BAH accrues	BAH does not accrue
20	a student training on a fellowship, scholarship or grant	if not furnished quarters by the college, university, or research facility	if furnished quarters by the college, university, or research facility. Such quarters are considered furnished on behalf of the United States.
21	a Nurse Corps officer or Nurse Corps candidate attending a course of instruction or affiliating with a state, county, municipal, or private hospital	if member is not furnished quarters without charge	if furnished quarters without charge by the hospital. Such quarters are considered furnished on behalf of the United States.
22	in confinement in a guardhouse or brig pursuant to a court-martial	if acquitted, the charges are withdrawn or the sentence is set aside or disapproved and member is otherwise entitled to BAH	while confined pursuant to a court-martial (includes awaiting trial and serving sentence) and the sentence is approved, or, if acquitted, etc., when the member was not receiving BAH on the day before the day of confinement and government quarters assignment was not terminated before or during confinement. Quarters termination must be certified by the commander under Military Service procedures.
23	a Reserve Component member ordered to active duty for training (see subparagraph 570502.D for active duty other than for training)	at permanent duty station and for authorized travel time from home to first duty station and from last duty station to home (note 11)	for any period government quarters are occupied (notes 3 and 4).
24		if the member was not assigned government quarters at the permanent duty station (note 11)	
25	a Reservist in any pay grade called or ordered to active duty on or after August 2, 1990, in connection with Operation Desert Shield/Storm; a Reserve Component member in any grade called or ordered to active duty on or after December 5, 1991 in support of a contingency operation (other than for a member who is authorized transportation of household goods as part of the call or order)	if the member is unable to continue to occupy a primary residence which is maintained by the member and which is owned by the member, or for which the member is responsible for rental payments	if the member is assigned or occupies government quarters suitable and adequate for the member's grade and does not maintain and own a primary residence or is not responsible for rental payments on the member's primary residence (notes 3 and 4).

Table 26-3. BAH Entitlements, Members Without Dependents, Entitled to Basic Pay (Continued)

NOTES:

1. When not assigned to government quarters at the permanent station, BAH accrues for up to 30 consecutive days at one location where government quarters are temporarily occupied while in a duty or authorized leave status not incident to PCS. BAH for a 30-day period is not forfeited if occupancy exceeds 30 days. This note does not apply to Reserve Component members on active duty 139 days or less.
2. A member away from permanent station may occupy quarters of the United States designated for members without dependents at the member's temporary duty station without affecting the member's right to receive payment of basic allowances for quarters or assignment of quarters, if any, at the member's permanent station. Under such circumstances, a member may not occupy quarters of the United States which exceed the minimum standards for members of that grade without dependents, as prescribed by the Secretary concerned, unless the only quarters available (a) exceed the minimum standards, and (b) are made available for joint occupancy with other members.
3. Government quarters in fact occupied without payment of rental charges shall be deemed to have been assigned as appropriate and adequate quarters.
4. Does not apply to temporary occupancy of government quarters assigned to another member for 30 days or less at any one duty station. Occupancy for more than 30 days is considered to be of a permanent nature and BAH entitlement does not accrue for any portion of the period of such occupancy. Movement from one unit of quarters to another or in and out of the same unit, with or without a break, does not establish a new 30-day period.
5. BAH accrues from the date of reporting through the day before the date the ship is placed in full commission, reduced commission, or in service not in commission, whichever occurs first. See subparagraph 260201 and Service regulations for members on sea duty.
6. A member E6 or above is entitled to receive BAH after reporting to a deployed vessel. Members TAD to the ship are also entitled to BAH after reporting to the deployed vessel if in receipt of BAH at the permanent duty station before being detached on TAD. Members in grade E-5, without dependents, assigned to sea duty may be authorized BAH if appropriate considering the availability of quarters for E-5s. Effective October 1, 2003, member married to member in grades E-5 and below are entitled to BAH at the without dependents rate applicable for their appropriate pay grades. In addition, Service regulations do not affect this entitlement. (See subparagraph 260201.C for requirements).
7. For members below pay grade E-7, entitlement does not exist during TDY or TAD if quarters are assigned or furnished at the permanent station, even though the quarters are vacated at the beginning of the TDY or TAD.
8. The intent of these entitlements is that BAH continue for a maximum of 30 days at any one location. Movement from one unit of government quarters to another, or in and out of the same unit, at the same location, with or without a break in occupancy, does not break the consecutiveness and does not create new periods or extend the authorized 30 days without loss of BAH. Occupancy of government quarters at different locations creates a new 30-day period at each location. However, if government quarters at one location are considered to be occupied by a member at the same time the member occupies government quarters at a second location, a new 30-day period does not begin at the second location.
9. Entitlement to BAH for 30 days in government quarters applies only when occupancy of government quarters is of a temporary nature incident to the PCS as certified by the commander of the station involved. (For rule 14 the period of entitlement must be after receipt of PCS orders and before departure from old station and/or after arrival at new station.)
10. Installation Commanders may, for reasons of military necessity or relief of hardship, authorize non-TDY members affected by PCS orders to temporarily occupy government quarters beyond 30 days with loss of BAH.
11. BAH and per diem may be credited for the same periods.
12. BAH accrues to all members in a travel status, leave en route, or on proceed time when en route to initial permanent duty station.

Table 26-3. BAH Entitlements, Members Without Dependents, Entitled to Basic Pay (Continued)